Previous references.

190-1

([illegible])

File No 16-6(

Serial Nos. 1 F 10

Later references.
Judy 312 24 1-2.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 F 10

Part B. for February 1909.

SUBJECT.

Puje Hak of the Sri Anjaneyaswamy temple at Devanahally, Channapatna Taluk.

Sl 1) From Akasingriah and others
Petition Dy 6-11-06
peak against the Dy Commrs. order
refusing their claim to the Puje Hak. in question

Sl 2 To, The Dy. Commr, Bangalore Dy
No 2622 Dy 17-11-1906.
forwards the appeal petition for report

G. R. S. 58

MUZRAI SECRETARIAT.

OFFICE NOTE.

File No.

SUBJECT.

In re the Suje Hak of the Sri Anjaneyaswamy temple at Devarahosahalli, Channapatna Taluk

From

The Secretary To Govt., Genl. and Rev. Depte.

No. Cf. 4293 Dated 12th June 1908.

(Stitch)

Alasingiah and others presented a petition in this office appealing against the order of the Dy Commissioner, rejecting their claim to the Suje Hak of the Sri Anjaneyaswamy temple at Devarahosahalli, Channapatna Taluk.

2) The appeal was referred to the Dy. Commissioner, Bangalore District, and Mai officer has submitted his report on the

(Paper under disposal)

File No. of Muzrai Secretariat.

subject together with the connected records.

The Deputy Commissioner reports that the matter of the Buje Hak in question was finally decided by the late Chief Commissioner, that Court (in the General and Revenue Departments) in their order of the 4th ~~November~~ February 1885 declined to re-open the case and that his predecessor Mr. D. Devaraj was declined to re-open the question and dismissed the suit filed on the 28th August 1905 by the present Appellants - Alasingiah and others. (Vide copy of the order receiving from the Govt. and Rev. Secty) Slip B (Slip A) (Slip C)

WD 16.6.08 Submitted for orders. The question has been finally settled by the late Chief Commr. and the Govt have declined to re-open it. The appeal has to be rejected. May the appellant be informed accordingly?

Rubbs 17/6/08

GPB—2000—13-2-05

DH Cubbon 16:7 08.

Muz.8 A]

Muzrai Secretariat | File No. 16 of 1906

Note continued.

5) The General and Revenue Secty was written to to forward the original files of 1840 and 1885, and certain papers have been received relating to the Puja Work of the Sri Anjaneyaswamy temple in question

Among these papers, a copy of Govt Order dated 4th February 1885 is forthcoming wherein it is stated that the case has been once settled finally by the late Chief Commr in 1840. Govt then decided to re-open the case.

File No. of 190 Muzmai Secretariat

GPB—3,000—25-9-07

Mużŕai Secretariat	File No. 16 of 190 6

Note continued.

The records in this ca
are not complete. From the
available papers it will be ob-
served that one Krishniah and
Alasingiah were each entitled
to 6 months' share in the hu-
dak of the Sri Anjaneyaswamy
temple. Alasingiah committed
theft of valuable temple jewels
and absconded. Under the orders
of the late Superintendent of
the Bangalore Division dated
7th April, 1851. Alasingiah was
suspended and his relative -
Timmaliah was appointed in
his stead. In his subsequent
order dated 10th October 1851.
The Superintendent directed
the recovery

(Vide Cyst of the order
in the late Mamledar
Mr Varahari Rao's decision
of 28th March 1864)
Slip D

dow

File No. 16 of 1906 | Muzrai Secretariat

temple jewels from Alasingiah and added that further instructions would thereafter be issued in the matter. There is no record either in support of the recovery of the value of temple jewels or the issue of instructions. The late Chief Commissioner has rejected in his order dated (v Slip A) 2nd November 1840 the claim of Alasingiah and 3 others to the entire Puja Hak as against Sirumaliah, Krishniah and two others. The then appellants and respondents were as shown in the margin. From the genealogical tree in the file, it is observed that Alasingiah and Lakshminarasiah were sons of Singiah and Singiah

1) Alasingiah.
2) Lakshmi Narsiah
3) Singiah.
4) Singiah

1) Shamiah
2) Venkataraya
3) Krishniah.
4) Sirumaliah.

GPB—3,000—25 9-07

Muz. 8 A]

Muzrai Secretaria | File No. 16 of 190 6

are stated to be their brother Chikkappiah's sons. but of the respondents Shamiah, Venkatraya and Krishniah are stated to be brothers.

(Slip B 8 On their order dated 4th febry. 1885, Govt declined to re-open the question as the matter had been finally decided by the late chief Commissioner in 1870.

9) The appellants before Govt are (1) Singriah son of Alasingriah (2 and 3) Alasingriah and Dasappa sons of Lakshmi Narasiah, and (4) Narasimhiah son of Singriah and (5) Dodda Singriah son of Singannaiah. The Respondents are Sivamalamma widow of Devanaiah and her guardian. The Dy. Commr. and

(Slip C Mr. D. Devaraj has declined to re-open the case as his

File No. 16 of 1906 | Muzrai Secretariat

been finally settled in the years 1870 and 1885.

In their present appeal, the appellants complain that the Dy. Commissioner's order is summary, and that they were not given an opportunity of representing their case and pray for an opportunity to prove their claim to the Puja Mahl

Submitted

Mr. C. S. Balasundram Esqr
under Secretary when in charge of the Muzrai Branch, heard the Petitioners more than once and expressed the opinion that the Petrs should be given an opportunity to represent their claim in a regular enquiry.

Submitted for orders
4/12/08

G.P.R.—3,000—25-9-07

Muz. 8 A]

Muzrai Secretariat | File No. 16 of 1906

1) The Devarahosahalli Anjaneya Temple of Chamapatna is perhaps the Temple to which people resort for the exorcision of evil spirits The post of Pujari is, anyhow, lucrative and there has been litigation for over half a century.

13 In the year 1851 when one Alasingiah was pujari there was a theft of jewels Alasingiah was suspended and one Thimmaiah a Kinsman of his was temporarily appointed Pujari. Later on there was some correspondence about recovering the value of the jewels from Alasingiah; but apparently nothing was done In 1864 or 65 Alasingiah and others filed a suit before the Amildar for the Enjoyment of the Thimmaiah was then 4 generations. That suit ended unfavorably to the Plffs. This was upheld by the Chief Commissioner's Court in 1870.

A In the early eighties there was again a dispute about the period during which the hereditary Shanbhogaship pujaship. When the Dy. Comr. appointed Thimmaiah, the forefathers decided to reopen the matter as it had been finally settled by the Chief Cor.

File No. 16 of 190 4 | Muzrai Secretariat

And remarked that the Dist Court should not have called for a report

Thereupon the matter was disposed of by the Local authorities There was again an appeal to the Dist Court & upon his decision Govt. There ~~were~~ are not material for the purposes of the present case. In ~~1905~~ the beginning of Alasi proceedings ~~and~~ this Coming filed a regular suit against the wife of Virinchi and the another (who is perhaps her guardian), for the Puja lands. X

The Dist Court Summarily dismissed the suit saying the matter had been disposed of finally by the Chief Court & by the Govt also. X

The Govt have now affirmed Govt

It appears the Balasundaram Iyer was of opinion that the appellants ~~st~~ had in an Inamdar of ~~some~~ certain, their case.

It may perhaps be desirable that further litigation should not be encouraged, but as the appellants seem to have a strong case it seems to be necessary to remand the case for disposal on its merits

Ship C

Ship C

Mur 8 (1)

Muzrai Secretariat | File No. 16 of 1906

Slip A

17 The Chief Comr's orders of which an unattested copy is in the file shows that it is not a final decision. Thirumalai who is obstructed in 1851 and who is said to have died in 1893 has apparently left no male issue. The Chief Comr's order clearly says that the family should not be deprived of the trusteeship. The appellants say that they are willing to make good the loss & value of the jewels lost and request that they should be reinstated.

Slip B

When Govt framed the order of 1885 there was no question of temple funds - the dispute is about the period of rotation.

For these reasons it seems to me that the case deserves to be regularly disposed of

Submitted to the Hon'ble Commissioner

Alur Venkatarangaya

22 9 1908

I shall hear the parties. Please fix a day in November

A date to be fixed after the Commissioner returns from Mysore - Given at Mysore - 23 9 1908

Hon'ble M

28/9/08

File No. 16 of 1906 | Muzrai Secretariat

card

Case posted for hearing on the 17th Nov 08 - Notices issued.

6/11/08

17/11/08

17.11. Card

Messrs Ubhayakar and Setlur are for the applicants. Mr B. Srinivasa Iyengar for respondent — Gopala Venkatesha. Adv'd at Mr Srinivasa Iyengar's request to the 18th inst.

B.
17 11 Card

GPB—3,000—25 9 07

G. R. S. 12]
General and Revenue Secretariat.

File No. 16 of 1906

Serial No.

Under Secretary's note continued:-

21) The case came off for hearing on the 17th November 1908. At the request of the Advocate for the II Respondent, it was adjourned to the 5th instant on which date the case was heard.

22) The Appellants Singriah and Alasingriah and Respondent Venkatappa were present in person. The Appellants were represented by Messrs H. Krishnappa and J. Seetharamiah, and the II Respondent by Mr. B. Sreenivasiengar.

23) There can be no doubt that in summarily dismissing this regular suit, the Deputy Commissioner has not followed the proper procedure Still it is necessary before remanding the case to see if any useful purpose will be served by so remanding.

24) On behalf of the 2nd Respondent it was urged that the matter having been disposed of more than once, it was Res Judicata, that the possession of -- Tirumaliah and, after him of 2nd Respondent Venkatapp had all along been adverse to the plaintiffs and -- that therefore the suit is also time-barred and that for these reasons a remand would serve no useful purpose.

25) For the Appellants it was argued that it is a question of fact whether the possession was adverse and whether the previous decisions operate as Res - Judicata and that therefore a Remand is necessar.

To arrive at a correct decision, it is necess--sary to see what the effect of the decisions of -- 1870 and 1888 are.

In 1850 Alasingriah the father of the present 1st Appellant was removed from his office of Pujar- on the ground that he stole some temple jewels and

Noii—Contn sheet

GPB—50 000—13 5 08

Serial No.

Tirumaliah husband of the 1st Respondent and uncle of the 2nd Respondent was appointed in his place. Tirumaliah continued to discharge the duties. In 1864 Alasingriah, his brother Lakshminarasiah and his nephews Singiah and Cingriah filed a suit before the Amildar against Tirumaliah and 3 others for this -- office. The suit was for half the Puja hak of the ~~1st~~ First 3 Defandants which had been mortgaged by their ances -tors to the Plaintiffs and for the recovery of the office which 4th Defendant Tirumaliah had obtained. The Amildar decided that Tirumaliah got no right by his appointment in 1850, that half the Hak of the other Defendants had not been mortgaged and that Ala -singriah who had been removed could not be re-in-stated. He therefore decided that Alasingriah's -- brother and nephews and the 1st 3 Defendants should be Pujaries by turns. All the parties including Tiru -maliah presented petitions to Deputy Superintendent who said that, on account of Alasingriah's misbehaviour he and his family forfeited their Hak, that this - Hak went to Tirumaliah when he was appointed and -- that therefore Alasingriah, his brother and nephews were not entitled to the office and that the origi-nal Defendants were the parties entitled to the --- office. This decision seems to have been upheld by Division Commissioner. The matter came up before the Chief Commissioner who was of opinion that the appli -cation of the principle of forfeiture was of doubt-ful legality and that Tirumaliah seemed to have got the office by reason of being the nearest kinsman of Alasingriah on this ground that Chief Commissioner uphold the decisions of the lower Appellate courts. The substance of the Chief Commissioner's decision is

NOTE.—Contn. sheet.

GPB—50,000—18 5 08

Serial No.

Tirumaliah husband of the 1st Respondent and uncle of the 2nd Respondent was appointed in his place. Tirumaliah continued to discharge the duties. In 1864 Alasingriah, his brother Lakshminarasiah and his nephews Singiah and Singriah filed a suit before the Amildar against Tirumaliah and 3 others for this -- office. The suit was for half the Puja hak of the ~~1st~~ First 3 Defandants which had been mortgaged by their ances -tors to the Plaintiffs and for the recovery of the office which 4th Defendant Tirumaliah had obtained. The Amildar decided that Tirumaliah got no right by his appointment in 1850, that half the Hak of the other Defendants had not been mortgaged and that Ala -singriah who had been removed could not be re-in-stated. He therefore decided that Alasingriah's -- brother and nephews and the 1st 3 Defendants should be Pujaries by turns. All the parties including Tiru -maliah presented petitions to Deputy Superintendent who said that, on account of Alasingriah's misbehaviour, he and his family forfeited their Hak, that this - Hak went to Tirumaliah when he was appointed and -- that therefore Alasingriah, his brother and nephews were not entitled to the office and that the origi-nal Defendants were the parties entitled to the --- office. This decision seems to have been upheld by Division Commissioner. The matter came up before the Chief Commissioner who was of opinion that the appli -cation of the principle of forfeiture was of doubt-ful legality and that Tirumaliah seemed to have got the office by reason of being the nearest kinsman of Alasingriah. On this ground that Chief Commissioner upheld the decisions of the lower Appellate courts. The substance of the Chief Commissioner's decision is

NOTE—Contn. sheet.

GPB—50,000 -18 5 08

Serial No.

is that Alasingriah's conduct deprived him only and not the family of the Hak and that in the family Tirumaliah as the nearest kinsman was preferred to -- others. Tirumaliah died without male issue in 1893 and within 12 years from the date of his death the present suit was filed. The present Plaintiffs and Defendants are:-

1. Singriah, son of Alasingriah 1st ~~Appellant~~ Plt in 1864.

2. Alasingriah
3 Dasappa } sons of Lakshminarasiah 2nd ~~Appellant~~ Plt in 1864

4. Narasimhiah, son of Singiah 3rd ~~Appellant~~ Plt in 1864.

5. Doddasingriah, son of Singanniah 4th ~~Appellant~~ Plt in 1864.

and the Defendants are:-

1. Tirumalamma, widow of Tirumaliah 4th Defendant in 1864.

2. Venkatiah, brother of Narasimhi

29) It is nothing but equitable that this ~~calim~~ claim should have been considered, seeing that Alasingriah's family was not deprived of the Puja Hak and that Tirumaliah got the office on account of the mistaken impression that he was the nearest kinsman of Alasin-griah. If there had been nothing else in the interval the case should have been remanded for disposal on the merits.

29) Two events however have intervened, and it has to be seen if this intervention affects the case. These are (i) the ~~appellant~~ appointment in 1876 of 2nd defendant Venkatappa as Pujari in place of Tirumaliah who was old (when writing my first Note I was under the impression that Tirumaliah's wife might have been registered as Barawarddar after his death and Venkatappa appointed as her gumastha) and (2) the institution

Note—Contn. sheet.

GPB—50,000—16 5 08

Serial No.

F.

institution of a suit by the present Plaintiffs in 1888 against Tirumaliah and Venkatappa for the offic The Transfer of the office during Tirumaliah's life-time does not appear to affect the case. There are Govt. decisions to the effect that Shanbhogues and Patels, while at liberty to resign their offices, cannot however do so in favour of any particular per -son. That principle may well be applied to this -- case also. Venkatappa can only be looked upon as a gumastha for Tirumaliah during his life-time.

3 0) The suit of 1888 has next to be considered. That was between the same parties and about the same matter. It was referred to the Sub Divisional Officer of Closepet for disposal and he dismissed it on the ground that it was not maintainable in a Revenue -- Court. No appeal was preferred. It is argued for Res -pondent that the dismissal of this suit operates as Res Judicata and that the filing of this suit is practically an admission that the possession of the then Defendants was adverse. It is therefore said that the suit of 1905 is time-barred. For the Appellants it is argued that really the suit of 1888 was premature, that there was no cause of action during Tirumaliah's life-time as the Chief Commissioner's decision was in his favour and that even on the merits that suit would have been dismissed and would not have ~~been~~ operated as a bar to a suit when the cause of action actually arose after Tirumaliah's death and that therefore the summary dismissal of the same cannot have more effect. It is therefore urged that these [2] intervening circumstances are of no consequence and that the Plaintiff Appellants should be -

Singriah, son of Alasingriah
2. Alasingriah, son of Lakshminarasiah
3. Narasimhiah son of Singiah

VS.

Tirumaliah
Venkatappa

NOTE—Contn. sheet.

GPB—50,000—13-5-08

(16

G. R. S. 12]
General and Revenue Secretariat.

File No. 16 of 1906

Serial No.

given an opportunity of establishing their claim.

[illegible]

15th December 1908.

No. 303

Submitted to the 2nd Councillor.

3) I am obliged to the Junior Undersecretary for the above lucid statement of the facts of the case.

3a) Prima facie the suit appears to be maintainable But questions as to res judicata & limitation & adverse possession may be argued before the Deputy Commissioner. The case will be remanded to that officer for disposal on merits - the order of dismissal being set aside for the reasons given in the above memo

Venkatarama Rao
Rough draft -
21-12-08

17/12/08

NOTE—Contn. sheet.

GPB—50,000 -18-5-08

Offg Secretary
AV
26 12 1908

W Wolfenden

G. R. S. 12]
General and Revenue Secretariat.

File No. 16 of 1906

Serial No. MD 303/35)

Draft submitted
Anchemaya
30/12.1908
30) approved
KKM
Issue
8/1/09
4/1/09

7

(R10) To,

The Dy Commr. Bangalore Dist

No 629 Dt 12-1-09

forwards copy of Council decision setting aside the Dy Commrs appealed against and remanding the case for regular enquiry and disposal

To,

24) Singaiah and other appellants
Encl no 629 Dt

Communicates the substance of the above order

To,

Venkatachala Gowda

No 629 Dt 12-1-09

forwards copy of the above

Note—Contn sheet

(PB—50 000—12 08

in the Channapatna Taluk, for the following reasons: —

That the appellants and 2 others filed a regular Suit - before the Deputy Commissioner, Bangalore District, - to establish their rights to perform pooja in the said temple and for a declaration that the respondents have no right to perform the same

(2) That the Deputy Commissioner did not register the same as a Suit and omitted to issue Summonses to the defendants and take down such evidences as the appellants were able to furnish in the case and proceed with the Suit -

(3) That the Deputy Commissioner erred in passing a Summary order on the plaint - without hearing the appellants and contrary to the provisions of Sec: 204 of the Revenue Code

(4). That the procedure observed by the Deputy Commissioner is against law and the express provisions of the Revenue Code

(5) That the appellants pray that the order of the Deputy Commissioner may be set-aside and the suit remanded for disposal according to law and on the merits of the case

(6) That the appellants beg to file herewith an affidavit showing the circumstances as to why they were unable to seek redress earlier against the order of the Deputy Commissioner

(7). That the appellants therefore pray for an opportunity to prove their claim set-forth in the plaint — on the merits of the case.

Bangalore:
Dt. 6/11/06

6/11/06

Muz. 1 A]

190

From

Dated 16-1906

To

The Deputy Commr.
Bangalore District

Dated

Despatched

Received

General No.
No.

Enclosure No

In forwarding herewith petn. Regd. No. 2293, dated 6th November 1906, received from Alasingia & and others, appealing against the order of the Dy. Commr. rejecting the claim of the appellants to the puja-hak in the Sri Anjaneya swami temple at Devarabosanahalli Channapatna Tq.

GPB—S 000—21-7 03

has the honor to request the

~~early~~ submission of the

entire records connected with

the case together with a full

report thereon

By Order,

17/11/06

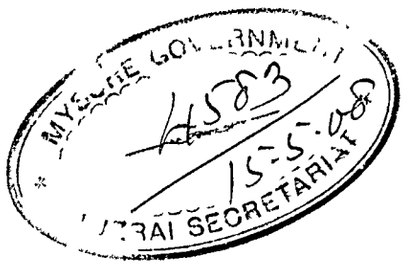
Mutz Secretary

15/11/06

Ernst Wpeters

Misc I-16-1906-3 (6

1907. 8



From

The Dy. Commissioner
Bangalore Dist.

To

The Secretary to the Govt. of Mysore
Huzur Secretariat.

Dated 12th

Despatched 13 May 1908

Received

General No.

M.S No 129

Enclosure No. 7 vide ree.

His N°-2622 of 17.11.06

Reports on the records on the petition of Alasingriah and others claiming the puja hak in the Sri Anjaneya Swami temple at Devara hosahalli in the Channapatna Taluk

U R G E N T.

Office of the Deputy Commissioner, Bangalore District.

M.S.No.122. Dated Bangalore, 12th May 1908.

From

P. J. Kumarasamy Naik Esquire B.A.,

Deputy Commissioner, Bangalore District.

To

L. Anantasamy Rao Esquire B.A.,

Secy.to the Govt. of H.H.the Maharaja of Mysore,

Muzrai Department.

Sir,

With reference to your docket No.2622 dated the 17th November 1906, forwarding, for report with records, the -- petition of Alasingriah and others claiming the Puja Hak in the Sri Anjaneyaswamy Temple at Devarahosahalli in the Chennapatna Taluk, I have the honor to state that the matter of the puja Hak having been finally decided by the late Chief Commissioner (Vide his letter No.3990/203 dated the 2nd November 1870 to the Superin--tendent, Nandidroog Division), Government in their Proceedings No.6209/496 dated the 4th February 1885 declined to reopen the case. For the same reason, my predecessor Mr.D.Devaraj Urs, - declined to reopen the question and dismissed the suit filed on the 28th August 1905 by the present appellants Alasingriah and others.

The delay in the submission of this report is due to the connected vernacular records not having been traced till now. The available papers are, herewith, sent together with the enclosures received with your docket under reply. Every endeavour is being made to trace the records among the unsorted papers of the Revenue Department and the same when found will be forwarded.

I have the honor to be,

Sir,

Your most obedient servant,

Deputy Commissioner,

Bangalore District.

Muz. 1] Mus 1 = 16 - 1906 — 4

190

Typed

S.N.

16.5.08

From

To

The Dy Commr

Bangalore Dist

Dated

Despatched 19.5.08.

Received

General No. 5725

No.

Enclosure No. Petition

Adverting to his letter no 129 dated 12th may 1908 reporting on the petition of Alasingiah and others claiming the Puja Work in the Sri Arjunesaswamy temple at Devanhosahally in the Chennapatna Taluq, has the honor to request that an exhaustive search

GPL—3,000—19-9-07

may as promised, be
kindly made in the records
of the Rev Department
and documents to refer
to in the letter under
advertance which may
throw light on the matter,
may kindly be submitted
in original for ref.
at an early date

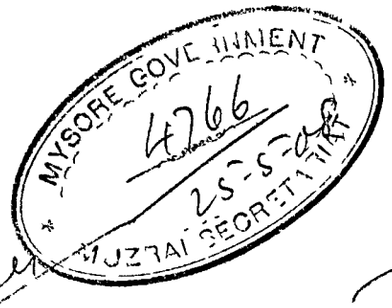
2) the enclosure
to his letter under reply
is herewith returned
in reference to the enclosed

By order

17/5/26

Secretary

MWF 16-1906-5
1907.8



From

The Dy. Commissioner
Bangalore District

To

The Secy. to the Govt. of Mysore
Muzrai Dept.

Dated 22nd

Despatched 23rd May 1908.

Received

General No.

M. V No. 133

Enclosure No. 1 file & another separately

His No. 5725 of 19.5.08

forwards the entire record re the Puja rights of Sri Anjaneyaswamie temple at Devarahosahalli in the Channapatna Taluk.

Please furnish a report
W 28/5/08

Office of the Dy.Commissioner, Bangalore Distri

M.S.No.133 Dated Bangalore, 22nd May 1908.
6 enclos.

From

B. J. Kumarasamy Naik Esquire B.A.,

Deputy Commissioner, Bangalore District.

To

L. Anantasamy Rao Esquire B.A.,

Secretary to the Govt.of H.H.the Maharaja of Mysore,

MUZRAI DEPARTMENT.

Sir,

With reference to your docket No.5125 dated the 10th May 1908, I have the honor to forward herewith the entire file of vernacular papers (since found), regarding the puja hak of Sri Anjaneyaswami Temple at Devarahosahelli in the Chennapatna Taluk.

2. The enclosures received with the above are also herewith returned.

I have the honor to be,

Sir,

Your most obedient servant,

Deputy Commissioner,

Bangalore District.

To, MMJF 16 - 1908 — 6

The Secretary,

Govt Ans Res Depts

Sir,

I am directed to request that you will be good enough to cause the forwarsal of the original or a copy of Govt Ans no 6209/1496 dt the 4th February 1885 relating to the Surya Nak at the Sri Nanjanaja Swamy temple at Dandu Kosalli in the Chamarajapatna Taluk, as the order in question is required for reference in this Office

(Vide Rev Commrs letter no 47766 dt 25th May 1908)

No 53025/29.5.1908

26/5

(13

G.R.S. 29A] June F-16-1906
190 .-7

From

The Secy. to the Govt. of His Highness
The Maharaja of Mysore,
Genl. and Rev. Dept.

To

The Secretary to the Govt. of
Mysore, Muzarai Deptt.

Dated June 1908.

Despatched 12-6-08

Received

General No. G. 1011

No.

ENCLOSURE No.

With reference to his letter No. 5302 dated the 29th May 1908 requesting that the original or a copy of Government Proceedings No. 6209-496 dated the 4th February 1885 relating to the Pujehak of the Sri Anjaneyaswami temple at Devarahosahalli in the Chennapatna Taluk may be sent to his office for reference , has the honour to forward herewith a copy of the Government Order required.

" By Order "

C Balasundaram
For Secretary to Govt.

A.V.

-10,000- 9-4-06

Read:-

Letter No. 1027 dated the 10th January 85 from the Deputy Commissioner, Bangalore District, forwarding for orders correspondence relative to a dispute among the pujaris of the Hosahalli Anjeneyaswami temple in the Closepet Taluk in connection with the turn of worship in the Institution .

No. 6209/496 dated 4th February 85. Order thereon

The case having been once settled finally by the late Chief Commissioner in 1870, the Government decline to reopen it.

2. A copy of the late Chief Commissioner's No. 3990/203 dated 2nd November 1870 is herewith forwarded for information.

The Deputy Commissioner should not have called for a report on the subject.

(Sd) T.R. Vijayendra Rao

Secretary.

To

The Deputy Commissioner, Bangalore.

District returning the proceedings.

" True Copy "

C.S. Barasundaramma

For Secretary to Government.

A.V.

with the Vernacular records
connected with the issue of
~~which gave rise to~~ the foregoing
order and also the records
relating to the late Chief
Commissioner's order of ~~the~~ 1890
referred to in the Govt
order of 1885, as these
papers are required for
reference in connection with
the appeal relating to
the Buje Hat in question.

By order.

DH) [illegible]
1891
Secretary

(16

Muz. — 08 — 9

Rehd. 5 Br II

MYSORE GOVERNMENT 680 14/8/08

From

K.S.Chandrasekhara Aiyar Esquire, B.A.,B.L.,

Secretary to Government in the General and

Revenue Departments, Bangalore.

Refer
Pl. Please bring up soon.
By 18/8/08

To

The Secretary to the Government in the Muzrai

Department, Bangalore.

No. 9.954 Dated Bangalore, 8 August 1908.

Evs 9

Sir,

I have the honour to forward for reference and kind return, all the available records as per list hereto appended relating to the Puje Huk of the Sri Anjaneyaswami temple at Devarahosahalli, Chennapatna Taluk, as requested in your letter No.292 dated the 18th July 1908.

I have the honour to be,

Sir,

Your most obedient servant,

A Rangagopalachar

For Secretary to Government.

M.L.

NRC

2855

Before the Court of H H.

The Maharaja of Mysore.

Appellants	Vs	Respondents
1) Singriah son of Alasingriah		1) Tirumalam widow of Siru
2) Alasingriah son of Lakshminarasiah		2) Venkatiah son of Venkatasingriah
3) Narasmiah son of Singriah		

Subject.

Claim to the Archakship of Sri Anjaneyaswamy temple at Devarhosally in the Channapatna Taluk.

Facts of the case.

In 1850. Alasingriah the Varavarddan Archak of the temple and father of the 1st Applt, was removed from the office on the ground that he stole some temple jewels and Tirumaliah husband of the 1st Respt and uncle of the 2d Respt was in his place. Tirumaliah continued as Archak To discharge his duties In 1864 Alasingriah, his brother

Lakshmi Narasiah and his
nephews Sugiah and Singiah
filed suit before the
Amildar against Sirumaliah
and 3 others for this office
The suit was for half
the Sujie Hak of the first
3 Dfdts which had been
mortgaged by their ancestors
to the Plaintiffs and for
the recovery of the office
which the 4th Dfdt Sirumaliah
had obtained. The Amildar
decided that Sirumaliah
got no hak by his
appointment in 1850. That
half the hak of the Dfdts
had not been mortgaged
and that Alasingiah
who had been removed
could not be re-instated.
He therefore decided that
Alasingiah's brother and
nephews and the first
3 Dfdts should be Sujaries
by turns. All the parties
including Sirumaliah present

petitions from the Dy Supt who passed an order that on account of misbehaviour he and his had forfeited the Hak and that the hak passed to Timmaliah when he was attainted and that hence Alasingiah, his brother and nephews were not entitle to the office and that the orignal Defts were the parties entitled to it. The matter finally came up before the Chief Commr in 1870 in 1870 who was of opinion that the application of the principle of forfeiture was of doubtful legality and that Timmaliah seemed to have got the office by reason of being the nearest kinsman of Alasingiah. In 1876 at the request of Timmaliah who was old, the 1st Deft Venkatappa was appointed as Pujari In the year 1885. There was again a dispute about the period of rotation of the kizzedars. When the Dy. Commr reported the matter, the Govt declined To re-open the case as it

has been once settled finally
by the Chief Commissioner.
In 1888 the present appellants
filed a suit before the Dy. Commr
To establish their right To
the Suje Mark. It was referred
To the Sub Divl officer
of Chickpet for disposal
and he dismissed it on the
ground that it was not maintainable
in a Revenue court. Timmaiah
died without male issue in 1893
and within 12 years from the
date of his death, the present
suit was filed, before the
Dy. Commr of Bangalore. Who
Summarily dismissed it on the
ground that the matter
had been finally decided
by the late chief commr
in 1870 and by Govt in 1885
Against this order, Singia
and others have appeal-
ed To Government. The
Case was heard by
Government on the 5th Decr
1908. ~~The Appellants~~

Singuah and Alasinguah
Respts. Venkatappa were
The Appellants were re
by messrs N Krishnappa and
Y. Seetharamaiah and the Rs
by mr B. Sreenivasiengar
Mr appellants Sanjivah and Alasinga & al
Lrd Respts Venkatappa were absent in person
Decision

Govt cannot accept the Dy.
Commrs. view that the orders
of 1870 and 1885 precluded
him from entertaining the suit
The dispute in 1885 was about
the period of rotation of
Several Nakdaars; there was
no dispute about the Nak
Itself. The chief commissioner's
decision was to the effect that
decision ~~is~~ that Alasinguials
Consent deprived him personally,
and not his family, of the
Nak & and that in the family
Timmaliah as the nearest kinsman
was preferred to others As a
matter of fact Timmaliah
was not the nearest kinsman
and within 12 years after
his death without male issue

The present appellants have ~~not only~~ filed a suit asserting ~~not only~~ their preferential rights to the office and ~~also~~ have also offered ~~but offering~~ to make good the value of the stolen jewels Govt are of opinion that in these circumstances the case was one fit to be regularly enquired into and disposed of by the Dy Commr's order dismissing the suit is set aside and the case is remanded for regular enquiry and disposal

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No. Dy. Bangalore. C/No. 627 dt/12.1.09
16-06-1910
Encs 7 + one file.

Copy of the above is forwarded to the Dy Commr, Bangalore Dist, together with the records received with his letter no 133 Dy 22nd May 1908

14/1/09

By order,
Secretary.
for
Govt order
31/1/1909

No. 628 dt/12.1.09
16-06-09

Endorsement granted

To Singriah son of A
and two others of Devara
hosally, channapatna Taluk
through their ~~counsel's~~ Advocate
M/s. H. Krishnappa and T. Seetha-
ramiah, with reference to
their petition registered
No. 2293 dated 6th Nov. 08
appealing against the
Dy. Comm'rs. order rejecting
their claim to the Archaka
of ~~of~~ Sri Anjaneya
Swamy temple at the
place.

In reply, the appellants
are informed that the
Dy. Comm'rs. order of
dismissal has been set aside,
and the case is remanded
~~to the Asst. Officer~~ for
disposal

disposal on merits

Encls. are herewith returned

By order

No 629 D(J)
16-06-10 for Secretary.
W 26/12/08

Copy is forwarded

To the Respt Venkatiah
through his Counsel
Mr. B. Sreenivasiengar.

By order
D(J) B
for Secretary.
W 26/12/08

9) From, the same officer,

No Cy 954 Dt 8-8 1908

Forwards the records referred to above

10) To, the Dy Commrs, Bangalore Dist

no 629 Dt 12-1-09

Forwards copy of Consul decision

Ring aside the Dy Commrs order,

against and remanding the case for

regular enquiry and disposal

To, Singh, and others appellants

Suit no 628 Dt 12-1-09

Communicates the substance of the

above order

To, the Respondent Venkatiah

no 629 Dt 12-1-09

Forwards copy of

[illegible]